S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5092/2007
(Pappu Ram & Ors. Vs. State of Rajasthan)

DATE OF ORDER : 20/11/2007

**HON'BLE MR.H.R.PANWAR, J.**

Mr. D.K.Gaur for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

Learned counsel for the petitioners submits that petitioner No.1 Pappu Ram and petitioner No.3 Devi Lal have been arrested and released on bail after arrest and as such the bail application filed by petitioners No.1 Pappu Ram and petitioner No.3 Devi Lal has become infructuous. The bail application filed by petitioner NO.2 Kalu Ram only survives.

The bail application filed by petitioner No.1 Pappu Ram and petitioner No.3 Devi Lal is therefore, dismissed as having become infructuous.

The allegation of causing injury is against Pappu and Devilal who have already been arrested.

Having regard to the facts and circumstances of the case and the fact that no injury has been assigned to the petitioner No.2 Kalu Ram and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner No.2 Kalu Ram under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner No.2 Kalu Ram u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Kalu Ram S/o Ladhu Ram Bishnoi in FIR No. 148/2007 P.S. Loonkaransar, district

Bikaner, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner Kalu Ram shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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